



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
THURSDAY, DECEMBER 16, 2010**

Roll Call: Todd Bergstrom
Don Nicolard
Brenda Hlas
Bill Mowery
Ken Braman
Scott Pelot
Mike Zita

Also Present:
Mayor David Koontz
Rick Ryland
John Moss-Excused
Pete Kostoff
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Thursday, December 16, 2010 at 7:04 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer. Mayor Koontz presented several Certificates of Appreciation to Mike Meden, June Maier, Kim Bergstrom, Lucas Nursery, Tom Dayton-Dayton Nursery, and Jill Miller for all of their contributions and efforts to make this years Christmas in the Park such a success (see attached).

COMMITTEE OF THE WHOLE:

Mrs. Hlas moved to amend Ord. #116-2010 and the exhibit, seconded by Mr. Bergstrom.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Mowery, Braman, Pelot, Zita
Nays: None

Motion passed 7-0.

COMMUNICATIONS FROM THE PUBLIC:

Amber Johnson, Local #265 AFSCME representative stated that their President Mr. Eddie Lawson intended to be present tonight to speak; however he became ill. Ms. Johnson handed out a letter that she requested be submitted into the minutes regarding the budget and layoffs, (see attached). Ms. Johnson asked for all of Council to please read this letter before taking a vote on the budget tonight.

Mrs. Elaine Tompkins, a Norton resident, stated she wished that the letter Ms. Johnson had presented was read aloud, perhaps it would have more impact. Mrs. Tompkins wished everyone a Merry Christmas. Mrs. Tompkins discussed the CAFR and wished that Council had taken the time to review it earlier, they would have known we had the financial difficulties facing us now and the material weaknesses reflected. Mrs. Tompkins noted that some of the ladies from the Norton Women's Club recently had a tour of the new fire station and it was rumored that they were told the fire station was already paid in full. Mrs. Tompkins stated there is a mortgage on this building for approximately 25 years.

Mrs. Tompkins stated it is also rumored that there will be some type of a new fire levy this fall because we are already out of money. Mrs. Tompkins discussed the recent job cuts and suggested everyone work together. Mrs. Tompkins stated that everyone should have taken pay cuts in order to keep their jobs starting with the Mayor and Council. Mrs. Tompkins commented that when making cuts, you really need to start at the top, not at the bottom.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of November 22, 2010 were approved as submitted. Minutes of the Committee Work Session of December 6, 2010 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz stated that the city received the bids on the citywide trash haulers yesterday and the bids were very close between J & J Refuse and Republic. Mayor Koontz stated that the overall savings are between \$2.00-\$4.00 a month, and encouraged Council to approve the bid.

Mr. Ryland commented on the recent snowstorm and that between 5:00 PM on Sunday and 6:00 PM on Tuesday at a cost to our city of over \$36,000.00. This snowstorm event was exceptional with high winds and plowed over 3,000 miles of road surface, and they did an excellent job and should be commended. Mr. Ryland discussed the recent trash bids and he hoped to have this to Council for their approval by January 10, 2011. Mr. Ryland noted that Police Dept. citations are up about 40% for 2010, we had 254 OVI's this year compared to 57 in 2009. Mr. Ryland noted that all other crimes are down for 2010. Mr. Ryland noted the most prominent event in the Police Dept. was the solving of the 33-year-old murder case, which took place at Silver Creek Park. That defendant is now serving a life sentence. Mr. Ryland reported that the Norton Fire Dept. received 1374 fire calls to date as of Monday which is up by 10% from last year. Mr. Ryland stated we expect to receive the keys to the new station within the next few weeks and it is still on schedule and on budget.

Mr. Kostoff wished everyone a happy holiday and looked forward to working with everyone next year.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #119-2010

Mr. Nicolard offered Ord. #119-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

Mr. Nicolard moved to waive the second and third readings, seconded by Mr. Braman.

Roll Call: Yeas: Nicolard, Braman, Bergstrom, Hlas, Mowery, Pelot, Zita
Nays: None

Motion passed 7-0.

Mr. Nicolard moved to adopt Ord #119-2010, seconded by Mr. Braman.

Roll Call: Yeas: Nicolard, Braman, Bergstrom, Hlas, Mowery, Pelot, Zita
Nays: None

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

Amended

ORD #116-2010

Mrs. Hlas offered Amended Ord. #116-2010 for its third reading and asked the Clerk to read it:

THE ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010 AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the third reading, seconded by Mr. Bergstrom.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Braman, Pelot, Zita
Nays: Mowery

Motion passed 6-1.

Mrs. Hlas moved to adopt Amended Ord. #116-2010, seconded by Mr. Bergstrom. Mrs. Hlas stated that this was a very hard decision and a very tough budget this year. She started discussions with Mr. Moss several months ago and it originally started out with more cuts, but we did take some of the money from the self-insurance fund, which saved some jobs and some positions. Mrs. Hlas stated its tough to lay people off, and not be able to provide the residents with the city services. Mrs. Hlas hoped we could bring back these employees with an improved economy. As a Councilperson we have to have a budget in place in order to pay employees and pay bills and it's part of our job. Mrs. Hlas stated that this decision was not made lightly and most of the Council members did have discussions one on one with Mr. Moss and the Administration. Mr. Mowery stated the financial condition of this city is not in the best of health. Mr. Mowery stated that in the past he stated he hoped that when you give raises out one year he hoped we would not have to take them away or give layoffs. Mr. Mowery stated he feared the worst is yet to become.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Braman, Pelot, Zita
Nays: Mowery

Motion passed 6-1.

ORD #117-2010

Mrs. Hlas offered Ord. 117-2010 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO REDUCE OR ELIMINATE AUTHORIZED TRANSFERS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010 AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the third reading, seconded by Mr. Bergstrom.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Mowery, Braman, Pelot, Zita
Nays: None

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #117-2010, seconded by Mr. Bergstrom.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Mowery, Braman, Pelot, Zita
Nays: None

Motion passed 7-0.

ORD #118-2010

Mrs. Hlas offered Ord. #118-2010 for its second reading and asked the Clerk to read it:

THE ANNUAL APPROPRIATION ORDINANCE FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011.

Mrs. Hlas moved to waive the third reading, seconded by Mr. Bergstrom.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Mowery, Braman, Pelot, Zita
Nays: None

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #118-2010, seconded by Mr. Bergstrom. Mrs. Hlas reminded everyone that this legislation is for the 2011 Budget and that she got ahead of herself earlier with her comments under Ord. #116-2010.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Mowery, Braman, Pelot, Zita
Nays: None

Motion passed 7-0

ORD #110-2010

Mr. Braman offered Ord. #110-2010 for its third reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1280.02 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Ord. #110-2010, seconded by Mr. Pelot. Mr. Braman stated that these next three ordinances concerning the adult use rezoning. The first one relates to I-1 District, the second one relates to I-2 District and the last one relates to B-3.

Roll Call: Yeas: Braman, Pelot, Bergstrom, Nicolard, Hlas, Mowery, Zita
Nays: None

Motion passed 7-0.

ORD #111-2010

Mr. Braman offered Ord. #110-2010 for its third reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1282.02 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Ord. #111-2010, seconded by Mr. Pelot.

Roll Call: Yeas: Braman, Pelot, Bergstrom, Nicolard, Hlas, Mowery, Zita
Nays: None

Motion passed 7-0.

ORD #112-2010

Mr. Braman offered Ord. #112-2010 for its third reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1278.02 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Ord. #112-2010, seconded by Mr. Pelot.

Roll Call: Yeas: Braman, Pelot, Bergstrom, Nicolard, Hlas, Mowery, Zita
Nays: None

Motion passed 7-0.

RES #113-2010

Mrs. Hlas offered Res. #113-2010 for its third reading and asked the Clerk to read it:

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE TAX YEAR 2010 COLLECTIONS PAYABLE IN 2011 PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE.

Mrs. Hlas moved to adopt Res. #113-2010, seconded by Mr. Bergstrom.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Mowery, Braman, Pelot, Zita
Nays: None

Motion passed 7-0.

ORD #114-2010

Mrs. Hlas offered Ord. #114-2010 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE NOMINAL EXPENDITURES FOR REFRESHMENTS OR MEALS TO BE SERVED AT VARIOUS EVENTS.

Mrs. Hlas moved to adopt Ord. #114-2010, seconded by Mr. Bergstrom.

Roll Call: Yeas: Braman, Pelot, Bergstrom, Nicolard, Hlas, Mowery, Zita
Nays: None

Motion passed 7-0.

ORD # 115-2010

Mrs. Hlas offered Ord. #115-2010 for its third reading and asked the Clerk to read it:

An ordinance authorizing and directing the Mayor to enter into contracts with Legal Defender's Office of Summit County, Ohio, Inc., and declaring an emergency.

Mrs. Hlas moved to adopt Ord. #115-2010, seconded by Mr. Bergstrom.

Roll Call: Yeas: Braman, Pelot, Bergstrom, Nicolard, Hlas, Mowery, Zita
Nays: None

Motion passed 7-0.

UNFINISHED BUSINESS

Mr. Kostoff stated at the last meeting Mr. Pelot has inquired about the status of the internet gaming legislation. Mr. Kostoff indicated that Summit County Council and other communities have presented their cases to the court and Judge Parker has this under advisement. Mr. Kostoff indicated that the City of Norton's current moratorium will lapse in the middle of January and he has proposed that Council allow him to draft legislation extending that for another 90 days pending the courts decision.

UNFINISHED BUSINESS

Mr. Kostoff indicated that draft could be prepared and presented to the Committee of the Whole on January 3, 2011 for consideration if so desired. Mr. Pelot clarified the case is in litigation and Mr. Kostoff replied yes, although he has not read every aspect of the cases, but there is a constitutional issue in question. There was brief discussion and Council was in agreement to have Mr. Kostoff proceed with drafting legislation for next week.

Mr. Ryland briefly commented on the letter Ms. Johnson submitted for the record, and although Council did pass Ordinance #94-2010 allowing for a 2% pay increase, it was discretionary and it was not passed out to anyone.

NEW BUSINESS

Mr. Ryland stated that in the shadow of the employee cuts, an employee has asked for an early retirement, thus saving one position in that department, this is a cost of approximately \$5,000.00. Mr. Ryland asked for Councils approval for this arrangement. Mr. Kostoff stated that he assumed the \$5,000.00 was within the budget and Mr. Ryland replied yes. Mr. Pelot stated that this individual should be given high praises for taking an early retirement to protect a fellow employee from being cut. Mr. Pelot moved to agree to the early buy out of the employee at a cost of \$5,000.00, seconded by Mr. Nicolard.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Mowery, Braman, Pelot, Zita
Nays: None

Motion passed 7-0.

Mrs. Hlas stated that for the next Committee Work Session she would like to have discussion relating to a wage and hiring freeze.

PUBLIC SERVICE ANNOUNCEMENTS

Mayor Koontz stated that he still would like to see more candidates for the Charter Review Commission. Mayor Koontz announced the upcoming dates for taxpayer assistance from CCA (see attached).

Mr. Zita thanked everyone for allowing Council to serve all of you this past year and wished everyone a Merry Christmas and a Happy New Year.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:46 PM.

Mike Zita, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on January 10, 2011.

Karla Richards, CMC-Clerk of Council

****NOTE: THESE MINUTES ARE NOT VERBATIM****

All Council & Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.